

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

*v.*

CARLOS MONTEMAYOR

Criminal Action No.

CR 1:09-CR-551-WSD-JFK

**NOTICE TO COURT REGARDING CARLOS MONTEMAYOR'S  
PRETRIAL DETENTION**

The United States of America, by John A. Horn, United States Attorney, and Elizabeth M. Hathaway and Garrett L. Bradford, Assistant United States Attorneys, for the Northern District of Georgia, files this Notice to the Court regarding Carlos Montemayor's pretrial detention.

In its November 9, 2015, Order denying Defendant Montemayor's request to be transferred to the Robert A. Dayton pretrial detention facility, the Court ordered the Government to report whether Defendant's place and conditions of detention were modified after a security classification was conducted.

Accordingly, the Government advises the Court as follows:

Since the filing of the Government's Opposition to Defendant's motion to be transferred out of USP-Atlanta, Bureau of Prison officials have conducted a security classification review for Defendant Montemayor. As a result of that review, Defendant Montemayor was transferred out of the Special Housing Unit ("SHU") and placed in one of USP-Atlanta's pretrial detention units. Defendant

Montemayor is no longer locked in his cell for 23 hours a day (unless, of course, the prison goes under a lockdown status), but rather may be outside his cell for approximately 12 hours every day. During this time period, Defendant may make an unlimited number of social telephone calls.<sup>1</sup> Further, because a SHU Lieutenant is no longer required to escort Defendant and/or his visitors, the time counsel has to wait to meet with his client should be reduced.

The Government believes that this change addresses the issues raised in Defendant's brief. If not, the Government remains willing to assist with resolving any issues informally if possible.

Respectfully submitted,

JOHN A. HORN  
*United States Attorney*

/s/ELIZABETH M. HATHAWAY  
*Assistant United States Attorney*  
Georgia Bar No. 076212  
Elizabeth.Hathaway@usdoj.gov

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<sup>1</sup> As mentioned in the Government's initial opposition, Defendant can also contact USP officials to request an attorney call. In addition, Defendant's counsel can make arrangements to call his client. There is no limit on the number of attorney calls.

**Certificate of Service**

I served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

Michael Friedman, Esq.

November 20, 2015

/s/ ELIZABETH M. HATHAWAY

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ELIZABETH M. HATHAWAY

*Assistant United States Attorney*

600 U.S. Courthouse, 75 Ted Turner Drive, Atlanta, GA 30303  
(404) 581-6000 fax (404) 581-6181